

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**MICHAEL SMITH**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 3:21-CV-00179-MPM-JMV**

**CITY OF OXFORD, MISSISSIPPI, ET AL.**

**DEFENDANTS**

**ORDER**

This court presently has before it a motion which it regards as, for all intents and purposes, an unopposed Rule 12 motion to dismiss for lack of jurisdiction. In seeking dismissal, the municipal defendants argue that this case was improperly filed in federal court, inasmuch as plaintiff and defendants are all Mississippi citizens and the complaint fails to assert any federal claim against them or to otherwise allege the existence of federal jurisdiction. In his response, plaintiff does not contest that his complaint has these deficiencies; indeed, he makes no jurisdictional arguments at all. In their reply brief, defendants correctly assert that Smith “failed to address [their] jurisdictional argument at all,” *see* reply brief at 1, and plaintiff has not sought to file a sur-rebuttal brief or to otherwise contest their assertion in this regard. It should be noted that, in his response, Smith *does* argue in favor of the validity of his state law claims, but that is an issue for a state court to determine, since it is well settled that this court lacks jurisdiction over state law claims in the absence of diversity of citizenship among the parties or some basis for the application of supplemental jurisdiction. The complaint provides no indication that any such jurisdictional basis is present, and defendants’ motion to dismiss for lack of jurisdiction will therefore be granted.

It is therefore ordered that defendants’ motion to dismiss for lack of jurisdiction is granted, and this case will be dismissed without prejudice to its refiling in state court.

A separate judgment will be entered pursuant to Fed. R. Civ. P. 58.

So ordered, this, the 27<sup>th</sup> day of April, 2021.

/s/ Michael P. Mills  
**UNITED STATES DISTRICT JUDGE**  
**NORTHERN DISTRICT OF MISSISSIPPI**